IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.116 OF 2006

Rangrao Narayan Shinde and Anr. .. Appellant
(Orig. Plaintiffs)

Versus

Ananda Sakharam Bhise & Anr. .. Respondent
(Orig. Defendants)

Mr. Uday Mahajan i/b. M/s. Divekar & Co. for the Appellant/Orig. Plaintiffs.

CORAM : ***S.R. SATHE,J.***
DATED : ***15/12/2006***

P.C.:-

1. Heard Learned Advocate for the Appellant-original Plaintiff.

2. From the perusal of the judgements of the Courts below and the submission made before me it is very clear that suit simplicitor for injunction was filed by the Plaintiff. Of-course, during the trial, it was tried to be canvassed that he is the owner of the suit property by virtue of a Will executed by his father. However, admittedly, the original Will was not produced. No sufficient reason for not producing Will was given by the Plaintiff. The learned Trial Judge therefore rightly rejected the certified copy of the Will which was produced on record, considering the fact

that primary evidence was available. The learned Trial Judge also held that Plaintiffs failed to prove possession of the suit property. Naturally, suit simplicitor for injunction was dismissed. The First Appellate Court also concurred with the findings of the Trial Court.

3. Thus, no substantial question of law is involved in the matter. Hence, appeal is dismissed in limine.

(S.R. SATHE,J.)